

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:20-cr-00167-M-3

UNITED STATES OF AMERICA

v.

JORDAN DUNCAN

MOTION FOR PRETRIAL
CONFERENCE UNDER
18 U.S.C. App. III

The undersigned, on behalf of Defendant JORDAN DUNCAN, moves this Court to schedule a pretrial conference under the Classified Information Procedures Act (CIPA), 18 U.S.C. App. III § 2. Under that statute, any party may move for a pretrial conference to consider matters relating to classified information. In support:

In this case, the initial discovery motion was made on December 1, 2020 (DE 42), which requested all of the information to which Mr. Duncan was entitled under the United States Constitution, Fed. R. Crim. P. 16, and the principles of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny.

Following this, the Court ordered a status conference on January 29, 2021, and notified counsel that they should be prepared to discuss CIPA and its potential impact on discovery and trial (DE 93). Following that conference, the Government provided a status update on February 19, 2021 (DE 103), which stated that the Government would “continue to work with defense” as related to the classified information.

At the recent status conference on April 17, 2023, the Court affirmed its position that, in its understanding, the Government was supposed to be working with defense counsel in these matters. Since that conference, it appears now that the Government’s position is that the purported classified information is not relevant or exculpatory, and that in their view, Mr. Duncan has not made an

adequate request for this information under CIPA. As such, this motion is made and a hearing is requested.

For these reasons, the undersigned, on behalf of Mr. DUNCAN respectfully requests that this Court schedule such pretrial motion, during which the matters relating to this classified information may be resolved.

Respectfully submitted, this the 8th day of May, 2023.

TARLTON LAW PLLC

/s/ Raymond C. Tarlton
Raymond C. Tarlton
Attorney for Defendant
N.C. State Bar # 38784
ray@tarltonfirm.com

P. O. Box 91624
Raleigh, NC 27675
919-390-1278 (TEL)
919-400-4200 (FAX)

Designation: CJA Appointed

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date shown below, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to Assistant United States Attorney Barbara D. Kocher.

This the 8th day of May, 2023.

/s/ Raymond C. Tarlton
Raymond C. Tarlton